

Notice of Allowability

Application No.

09/689,508

Examiner

Ann Y. Lam

Applicant(s)

RUDELL ET AL

Art Unit

1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed March 25, 2005.
2. ☒ The allowed claim(s) is/are 16,18-24,29,31-35,44-48,50-58,60,61,99-101,103-108,110-113 and 115.
3. ☒ The drawings filed on 16 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>04/05</u> |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>2/27/02</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed February 27, 2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. (As indicated in the IDS, some of the foreign patent documents were not considered because examiner does not have a copy of those foreign patent documents, and some foreign patent documents were considered only with respect to the drawings because examiner does not have a translation of the documents.)

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Connors on April 22, 2005.

The application has been amended as follows:

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Cancel claims 1-8, 10-15, 17, 25-28, 36-43, 62-66, 68-71, 73-97.

Claim 16, line 3, after "lumen", insert --, the lumens separated by an internal septum--

Line 5, replace "to" with --formed thereon and in fluid communication with--

Line 9, replace "to" with --in fluid communication with--;

Also line 9, before the period, insert --, and wherein when the catheter is in a substantially unstressed condition, (i) the connection section is substantially straight and (ii) the patient inflow section is curved--

Claim 18, line 1, replace "17" with --1--.

Claim 19, line 1, replace "17" with --1--.

Claim 23, line 2, replace "to" with --in fluid communication with--.

Claim 29, line 2, delete "substantially straight";

Also line 2, before the semicolon, insert --substantially straight when in an unstressed condition--

Line 3, delete "non-linear";

Also line 3, after "inflow section" insert --having a non-linear shape when in an unstressed condition and having a patient inflow opening formed thereon, the inflow section--.

Line 10, before the period, insert --the patient inflow and outflow lumens separated by an internal septum--.

Claim 33, line 3, replace "to" with --in fluid communication with--

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Line 4, before the semicolon, insert --the first and second lumens separated by an internal septum--

Line 5, delete "non-linear".

Also line 5, before "extending", insert --having a non-linear shape when in an unstressed condition, the non-linear section--

Line 6, replace "port to" with --opening formed thereon and in fluid communication with--

Line 10, replace "port to" with --opening formed thereon and in fluid communication with--.

Claim 44, line 4, after the comma, insert --the first and second lumens separated by an internal septum,--

Line 7, before the comma, insert --and a patient inflow opening formed thereon--

Claim 53, line 4, after the comma, insert --the first and second lumens separated by an internal septum,--

Line 9, replace "from" with --formed thereon and fluidly connecting--

Line 12, replace "from" with --formed thereon and fluidly connecting--

Claim 99, line 2, before the comma, insert --separated by an internal septum--

Line 5, before the comma, insert --and a patient inflow opening formed thereon--

Claim 105, line 4, before semicolon, insert --separated by an internal septum--

Line 10, replace "from" with --formed thereon and fluidly connecting--

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Line 13, replace "from" with --formed thereon and fluidly connecting--

Claim 106, line 2, replace "to" with --in fluid communication with--.

Claim 110, line 5, replace "to" with --in fluid communication with --

Line 5, replace "defined at" with --and formed on--

Line 8, before the semicolon, insert --the first and second lumens
separated by an internal septum--

Line 9, replace "to" with --in fluid communication with--

Line 9, replace "defined at" with --and formed on--

Line 10, before the semicolon, insert --, at least one of the first and second
location having a curve when in an unstressed condition--.

Allowable Subject Matter

Claims 16, 18-24, 29, 31-35, 44-48, 50-58, 60, 61, 99-101, 103-108, 110-113 and
115 are allowed.

Conclusion


Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Ann Y. Lam whose telephone number is 571-272-0822.
The examiner can normally be reached on M-Sat 11-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Long Le can be reached on 571-272-0823. The fax phone number for the
organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.L.



JAMES HOUSEL 5/9/05
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